

MAILED

AUG 29 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS LENZ, JURG MOLLENHOFF and OTOMAR STRUWE

Application No. 09/618,853

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On July 29, 2003, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it contains only one signature, that of an SPE. However, § 1208 of the Manual of Patent Examining Procedure (MPEP). The MPEP § 1208 (8th ed., Rev. 2, 2004) states in part:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

One of the conferees listed in the answer does not contain an initial/signature placed next to the typed name as required by the MPEP as noted above.

Also, the Information Disclosure Statement (IDS) dated 8-18-1999 and the IDS dated 7-18-2000 do not appear to have been considered.

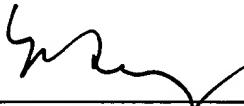
Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to have the missing conferee place his/her signature next to his/her typed name;
- (b) for the Examiner to mail a copy of the corrected answer to appellants,
- (c) consideration of the IDS filed 8-18-1999 and the IDS filed 7-18-2000, and
- (d) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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CF/vsh

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cc: PROSKAUER ROSE LLP
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